

JAN 08 2004

Atty Docket No. 21154-000510US

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**OFFICIAL COMMUNICATION  
POWER OF ATTORNEY, STATEMENT UNDER 3.73(B)  
WITH COPY OF ASSIGNMENT FOR ENTRY IN U.S.  
PATENT APPLICATION NO. 10/650,189  
FILED AUGUST 27, 2003**

**CERTIFICATION OF FACSIMILE TRANSMISSION**

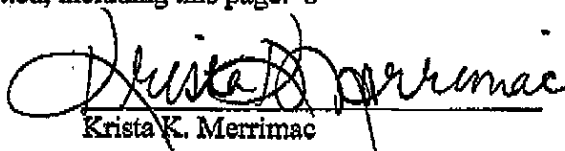
I hereby certify that the following document(s) in re U.S. Application of ALBERT LEUNG et al., Application No. 10/650,189, filed August 27, 2003 for TECHNIQUES FOR BALANCING CAPACITY UTILIZATION IN A STORAGE ENVIRONMENT are being facsimile transmitted to the U.S. Patent and Trademark Office on the date shown below.

Document(s) Attached

1. SB/21 Transmittal (1 page)
2. Power of Attorney (1 page)
3. Statement Under 3.73(b) with copy of Assignment (5 pages)

Number of pages being transmitted, including this page: 8

Dated: January 8, 2004

  
Krista K. Merrimac


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60114331 v1

<b>TRANSMITTAL FORM</b> <i>(to be used for all correspondence after initial filing)</i>		Application Number	10/650,189
		Filing Date	August 27, 2003
		First Named Inventor	Leung, Albert
		Art Unit	2171
		Examiner Name	To Be Assigned
Total Number of Pages in This Submission	8	Attorney Docket Number	21154-000510US

ENCLOSURES (Check all that apply)		
<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s)  <input type="checkbox"/> Extension of Time Request  <input type="checkbox"/> Express Abandonment Request  <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s)  <input type="checkbox"/> Response to Missing Parts/Incomplete Application <input type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition  <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address  <input type="checkbox"/> Terminal Disclaimer  <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s)	<input type="checkbox"/> After Allowance Communication to Group <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information  <input type="checkbox"/> Status Letter  <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Power of Attorney, Statement Under 3.73(b), Copy of Assignment, Certification of Facsimile Transmission
Remarks		The Commissioner is authorized to charge any additional fees to Deposit Account 20-1430.

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT	
Firm or Individual	Townsend and Townsend and Crew LLP Sujit B. Kotwal Reg. No. 43,336
Signature	S. B. Kotwal
Date	January 8, 2004

CERTIFICATE OF MAILING	
I hereby certify that this correspondence is being facsimile transmitted to the Patent and Trademark Office, Fax No. (703) 872-9306 on January 8, 2004.	
Typed or printed name	Krista K. Merrimac
Signature	
Date	January 8, 2004

60114310 v1

PTO/SB/81 (08-03)

<b>POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM</b>	Application Number	10/650,189
	Filing Date	August 27, 2003
	First Named Inventor	Leung, Albert
	Title	Techniques for Balancing Capacity Utilization in a Storage Environment
	Art Unit	2171
	Examiner Name	To Be Assigned
	Attorney Docket Number	21154-000510US

I hereby appoint:

☒ Practitioners associated with the Customer Number **20350**

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

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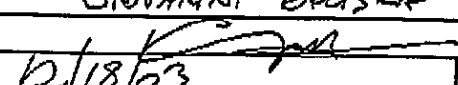
<input type="checkbox"/> Firm or Individual Name			
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Address			
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I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.  
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

**SIGNATURE of Applicant or Assignee of Record**

Name	GIOVANNI BRUSKA		
Signature			
Date	12/18/03	Telephone	

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below.

☒ \*Total of 1 forms are submitted.

60061623 v1

PTO/SB/96 (05-03)

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Attorney Docket No. 21154-000510US

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: Albert Leung et al.Application No./Patent No.: 10/650,189Filed/Issue Date: August 27, 2003Entitled: TECHNIQUES FOR BALANCING CAPACITY UTILIZATION IN A STORAGE ENVIRONMENTArkivo, Inc., a Delaware corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. ☒ the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.  
The extent (by, percentage) of its ownership interest is \_\_\_\_\_ %

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel \_\_\_\_\_, Frame \_\_\_\_\_, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

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☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

12/18/03  
Date  
650 237 6101  
Telephone number

GIOVANNI FALUSKA  
Typed or printed name  
  
Signature  
CEO  
Title

This collection of information is required by 37 CFR 3.73(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.


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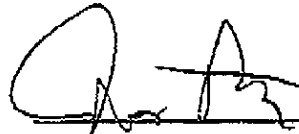
Assignment  
Attorney Docket No.: 21154-000510US  
Page 2

Dated: 12/18/03

  
\_\_\_\_\_  
Giovanni Paliska

WITNESSES:

Dated: 12/18/03

  
\_\_\_\_\_  
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Dated: 12/18/03

  
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Attorney Docket No.: 21154-000510US  
Page 3

Dated: 12/18/03

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Bruce Greenblatt

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Assignment  
Attorney Docket No.: 21154-000510US  
Page 4

Dated: 12/18/03

Claudia Chandra  
Claudia Chandra

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**COPY**